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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,225	12/20/2001	Monica A. McClintic	5038US (01-01-058)	3449

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EXAMINER	
NGUYEN, KIM T	

ART UNIT	PAPER NUMBER
3713	

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/029,225	MCCLINTIC ET AL.	
	Examiner	Art Unit	
	Kim Nguyen	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-115* is/are pending in the application.

4a) Of the above claim(s) *See Continuation Sheet* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,10-12,16-21,27-35,54,55,57-74,81-83,87-96,104-106 and 111-115* is/are rejected.

7)☒ Claim(s) *36-39 and 47-49* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *12/20/01*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Continuation of Disposition of Claims: Claims withdrawn from consideration are 4-9,13-15,22-26,40-46,50-53,56,75-80,84-86,97-103 and 107-110.

DETAILED ACTION

Applicant's election without traverse filed on April 8, 2004 is acknowledged . Currently, applicant elects species 1, claims 2-3, 12, 21, 38-39, 49, 73-74, 83, 95-96, and 106, with claims 1, 10-11, 16-20, 27-37, 47-48, 54-55, 57-72, 81-82, 87-94, 104-105, and 111-115 are generic. Currently, claims 1-3, 10-12, 16-21, 27-39, 47-49, 54, 55, 57-74, 81-83, 87-96, 104-106, and 111-115 are examined in this office action, and claims 1-115 are pending.

Claim Objections

1. Claims 1, 3, 11, 37-38, 40, 55, 63-64, 66, 68-70, 72, and 87-89 are objected to because of the following informalities:

a) In claim 1, line 6, the claimed limitation "including comprising" should be corrected to "comprising".

b) In claim 3, line 2; claim 11, line 2; claim 37, line 2; claim 55, line 2; claims 68-70, line 1, the claimed limitation "***a*** player" should be corrected to "***said*** player".

c) In claims 38-40, line 1, the claimed limitation "***a*** said gaming unit" should be corrected to "said gaming unit".

d) In claim 63, lines 2-3; claim 64, line 3; claim 66, lines 2-3; claim 72, lines 2-3 (two occurrences); and claims 87-89, line 2, the claimed limitation "***first*** gaming unit(s)" should be corrected to "gaming unit(s)".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-3, 16-18, 71-74, and 87-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicastro, SR (US 2003/0027619).

a. As per claim 1, Nicastro discloses a gaming device comprising a first gaming unit for operating a primary game with a randomly selected outcome (paragraphs 0036-0037). Nicastro does not explicitly disclose a bonus game controller connecting to the gaming unit. However, Nicastro discloses that the gaming device is capable of initiating a bonus game upon the occurrence of an activity, the bonus game is an interactive game of skill with a bonus award in relation to a level of interaction of the player (paragraph 0033, 0053, and 0071). Further, implementing the bonus game in a separate gaming machine having a separate controller would have been well known to a person of ordinary skill in the art at the time the invention was made. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to separate the bonus game of Nicastro from the first gaming unit and to implement the bonus game of Nicastro into a different game machine in order to reduce work load for the first gaming machine, since separating a work load into different devices to meet specific requirement of the system requires only routine skill in the art.

b. As per claim 2-3, since Nicastro discloses a baseball bonus game, which is well known to include a strike receiver and striker (paragraph 0072), Nicastro obviously includes the strike receiver and striker.

c. As per claim 16-18, Nicastro discloses a specific random outcome occurring in response to input of a wager (paragraph 0039). Further, as to claims 17-18, setting a predetermined wager value or a predetermined number of wagers would have been well known to a person of ordinary skill in the art at the time the invention was made.

d. As per claim 71-74 and 87-89, refer to discussion in claims 1-3 and 16-18 above.

4. Claims 10-12, 19-21, 27-35, 54-55, 57-70, 81-83, 90-96, 104-106, and 111-115 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicastro, SR (US 2003/0027619) in view of Kelly et al (US Patent No. 6,007,426)

a. As per claim 10-11, Kelly discloses a virtual reality interaction game of skill (col. 16, lines 51-55; and col. 7, lines 23-26). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide the virtual reality interaction system of Kelly to the gaming device of Nicastro in order to provide interaction between the player with a computer generated object.

b. As per claim 12, providing a game in which the player manipulates a computer generated object to strike another computer generated object would have been well known to a person of ordinary skill in the art at the time the invention was made.

c. As per claim 19-21 and 27-29, refer to discussion in claims 1, 10-12, and 16-18 above.

d. As per claim 30 and 33, refer to discussion in claims 1 and 10 above. Further, extending the number of gaming units connecting to a bonus game controller would have been both well known and obvious design choice to allow a plurality of players to share the same bonus game.

e. As per claim 31-32, refer to discussion in claim 1 above. Further, using a random number generator to generate a random outcome would have been well known to a person of ordinary skill in the art at the time the invention was made.

f. As per claim 34-35, refer to discussion in claims 1 and 16 above.

g. As per claim 54-55, locating gaming unit remotely and identifying a player at a gaming machine would have been well known.

h. As per claim 57, Kelly discloses allowing the players to compete against one another (col. 12, lines 6-17; col. 16, lines 62-64; and col. 21, lines 54-56).

i. As per claim 58-60, Kelly discloses assigning common game element (same question) to all the players (col. 12, lines 14-16, and col. 16, lines 62-63). Further, randomly selecting the common game element, assigning individually game element to each player, and allowing exchange of the individually game element would have been well known.

j. As per claim 61-64, Kelly discloses a bonus event computer (col. 15, lines 56-59; and col. 16, lines 31-32). Further, as to claims 63-64, extending the bonus game controller into a plurality of bonus game systems which separate from the gaming units would have been both obvious and design choice.

k. As per claim 65-66, refer to discussion in claims 16-18 above.

l. As per claim 67-70, triggering a bonus game including passing a fixed amount of time, allowing the player to decline participating in a shared bonus game, or skipping a session of play but still returning qualification to participate in the bonus game in a later shared bonus game event would have been well known.

m. As per claim 81-83, 90-96, 104-106, and 111-115, refer to discussion in claims 1-3, 10-12, 16, 30, and 57-60 above.

Allowable Subject Matter

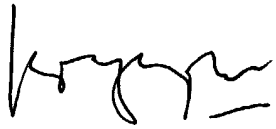
5. Claims 36-39 and 47-49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

Prior arts of record do not disclose a gaming system in which each gaming unit comprises a bonus game controller for initiating a bonus game upon occurrence of a predetermined outcome of the primary game, and each gaming unit is configured for providing qualification for participating in the shared virtual reality bonus event in response to a predetermined activity occurring; the predetermined activity comprises a specific bonus outcome occurring in the bonus game. The gaming units are embedded in the gaming system defined in claim 30.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (703) 308-7915. The examiner can normally be reached on Monday-Thursday from 8:3OAM to 5:OOPM ET. The central official fax number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.



Kim Nguyen
Primary Examiner
Art Unit 3713

kn
Date: June 25, 2004